Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claim 1. (Original): A crystalline modification A of tegaserod hydrogen maleate.

Claim 2. (Original): A crystalline modification A of tegaserod hydrogen maleate, comprising the following characteristic crystal structure, determined by means of an X-ray single crystal analysis:

crystal system	triclinic
space group	P-1
a, Å	8.640
b, Å	15.800
c, Å	17.572
α, Å	68.67
ß, Å	88.10
γ, Å	88.02
V, $Å^3$	2232
Z	4
D(calc), g/cm^3	1.242

Claim 3. (Original): A crystal modification A of tegaserod hydrogen maleate, which has an X-ray powder diffraction pattern comprising the following characteristic peak positions as 2 Θ values: 5.4±0.3°, 5.9±0.3°, 6.4±0.3°, 10.8±0.3°, 16.2±0.3°, 19.3±0.3°, 21.7±0.3° and 26.8±0.3°.

Claim 4. (Original): A crystal modification A of tegaserod hydrogen maleate, having in the thermogram in differential scanning calorimetry an endothermic signal at about 190°C.

Claim 5. (Currently amended): The crystal modification according to claims 1 ~~to 4~~ in essentially pure form.

Claim 6. (Original): A crystal modification A of tegaserod hydrogen maleate, having in the thermogram in differential scanning calorimetry on ethermal signal at about 190 °C.

Claim 7. (Original): A crystal modification A of tegaserod hydrogen maleate, consisting of the following characteristic crystal structure, determined by means of an X-ray single crystal analysis:

crystal system	triclinic

space group	P-1
a, Å	8.640
b, Å	15.800
c, Å	17.572
α, Å	68.67
ß, Å	88.10
γ, Å	88.02
V, $Å^3$	2232
Z	4
D(calc), g/cm^3	1.242

Claim 8. (Currently amended): A pharmaceutical composition comprising a pharmaceutically acceptable carrier or diluent and a therapeutically effective amount of crystal modification A tegaserod hydrogen maleate according to claims 1 ~~to 7~~.

Claim 9. (Canceled)

Claim 10. (Currently amended): A method of treating irritable bowel syndrome, gastro-esophageal reflux disease, functional dyspepsia, chronic constipation or diarrhea comprising administering to a subject in need of such treatment a therapeutically effective amount of crystal modification A of tegaserod hydrogen maleate according to ~~any of~~ claims 1 ~~to 5~~.

Claim 11. (Currently amended): A process for the preparation of a crystal modification A of tegaserod hydrogen maleate according to ~~any of~~ claims 1 ~~to 5~~ comprising the step of crystallization or recrystallization of any form, or mixtures of any forms of tegaserod hydrogen maleate in a solution consisting of organic solvent or mixture of organic solvents saturated with water.

Claim 12. (Original): The process of claim 11, wherein the organic solvent is an acetate ester.

Claim 13. (Original): The process of claim 11, wherein the organic solvent is ethyl acetate ester.

Claim 14. (Currently amended): The process according to ~~any of~~ claims 11 ~~to 13~~, wherein the water is present between 0.01 and 5 and weight % water of the total weight of said solution consisting of organic solvent or mixture of organic solvents and water.

Claim 15. (Currently amended): The process according to ~~any of~~ claims 11 ~~to 13~~, wherein the water is present in an amount in which the water is just soluble in said solution comprising an organic solvent and water.

Claim 16. (Original): The process according to claim 13, whereas the water is present at around 2.8 weight % water of the total weight of said solution comprising an organic solvent and water.